**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929**

**WP(C).No. 21473 of 2007(F)**
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**PETITIONER:**
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**P.G.PAULY, S/O GEORGE P.A.,**
**PATHYALA HOUSE, KODAKARA P.O.**

**BY ADV. SRI.RAJESH CHAKYAT**

**RESPONDENTS:**
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1. **THE DEPUTY DIRECTOR,**
   **DAIRY DEVELOPMENT, THRISSUR.**

2. **THE POOVATHUKAVU KSHEERA ULPADANA**
   **SAHAKARANA SANGAM LIMITED NO.R-271(D),APCOS,**
   **MANA KULANGARA P.O., POOVATHUKAVU,**
   **KODAKARA-680684 REPRESENTED BY ITS SECRETARY.**

3. **THE PRESIDENT,**
   **THE POOVATHUKAVU KSHEERA ULPADANA SAHAKARANA**
   **SANGHAM LIMITED NO.R-217(D), APCOS,**
   **MEMEN KULANGAR P.O., POOVATHUKAVU,**
   **KODAKARA-680684.**

**BY ADV. SRI.T.N.MANOJ**
**BY GOVERNMENT PLEADER SRI. P.K.RAVIKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO.21473/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE NOTICE DT. 30.11.06 ISSUED BY RESPONDENTS 2 AND 3.**

**EXT.P2:- COPY OF THE REPLY DT. 4.12.06 SUBMITTED BY THE PETITIONER TO EXT.P1 NOTICE.**

**EXT.P3:- COPY OF THE DECISION DT. 28.12.06 OF THE EXECUTIVE COMMITTEE OF THE SANGHAM.**

**EXT.P4:- COPY OF THE REPRESENTATION DT. 8.2.07 SUBMITTED BY THE PETITIONER.**

**EXT.P5:- COPY OF THE NOTICE DT. 24.5.07 ISSUED BY the 2ND RESPONDENT.**

**EXT.P6:- COPY OF THE CHARGE MEMO DT. 27.6.07.**

**EXT.P7:- COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER AGAISNT EXT.P6.**

**/TRUE COPY/**

**P.S. TO JUDGE**

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.21473 of 2007-F

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Dated this the 15th day of November, 2007.

JUDGMENT

1. Learned counsel for the second respondent submits that the said respondent is willing to disburse subsistence allowance, however that no claim has been made. I am not impressed by the contention of the petitioner that by giving a copy of Ext.P4, which is addressed to the Deputy Director, the employer has been requested to release subsistence allowance.

2. Under such circumstances, this writ petition is disposed of directing that if the petitioner makes a request to the second respondent, subsistence allowance shall be released in terms of the laws. The entire arrears due on that count shall be released within one week of receipt of such request and a copy of this

judgment and the second respondent shall continue to pay subsistence allowance until the disciplinary proceedings are concluded.

Having regard to the fairly long pendency of the disciplinary proceedings, it is directed that such proceedings shall be finalized within four months, provided the petitioner co-operates.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/